Mail Stop Interference P.O. Box 1450 Alexandria Va 22313-1450

Tel: 571-272-9797 Fax: 571-273-0042 Filed: September 6, 2005

## UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES (Administrative Patent Judge James T. Moore)

Howard Martin
Junior Party

(Patent 6,264,471),

Suk-Song Oh Senior Party (Application 09/294,073).

٧.

Patent Interference No. 105,335 (Technology Center 3700)

**FAXED** 

SEP 6 - 2005

PAT. & T.M. OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

## JUDGMENT - REQUEST FOR ADVERSE - Bd. R. 127(b)

Before LEE, TORCZON, and MOORE, Administrative Patent Judges.

Moore, Administrative Patent Judge.

Martin has filed Paper 16, a Request for Adverse Judgment as to count 1, which is the only count of this interference.

Upon consideration of the Request for Adverse Judgment, it is hereby:

ORDERED that judgment on priority as to Count 1 (Paper 1, page 4)<sup>1</sup> is awarded against Junior party Howard Martin.

**FURTHER ORDERED** that Junior party Howard Martin is not entitled to a patent containing claims 1-7 (corresponding to Count 1) of patent 6,264,471.

**FURTHER ORDERED** that a copy of this paper shall be made of record in files of application 09/294,073 and patent 6,264,471.

FURTHER ORDERED that the parties shall direct attention to 35 U.S.C. § 135(c) and 37 CFR § 41.205(a) [see former rules 37 CFR §1.661 and §1.666] regarding the filing of settlement agreements.

/Jameson Lee/	)
CAROL A. SPIEGEL	)
Administrative Patent Judge	)
/Richard Torczon/ RICHARD TORCZON Administrative Patent Judge	) ) BOARD OF PATENT ) APPEALS AND ) INTERFERENCES
/James T. Moore/	)
JAMES T. MOORE	)
Administrative Patent Judge	)

<sup>&</sup>lt;sup>1</sup>Count 1 is Claim 7 of Application 09/294,073 or claim 4 of Patent 6,264,471.

cc (via fax):

Attorney for Martin:

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Interference No.	105,335	Paper No. 18
Name: Suk-Song	Oh	·
Serial No.: 09/	294,073	Patent No.
Title: Endodontic	gutta-percha	point with working length marks
Filed: 04/19/99		
Interference with	Martin	
		DECISION ON MOTIONS
Administrative Pa	tent Judge,_	Dated,
<u></u>	<u> </u>	
		FINAL DECISION
Board of Patent A	ppeals and I	nterferences TaxRable Dated, 9/6/05
		•
Court,		Dated,
		REMARKS
	··· · · · · · · · · · · · · · · · · ·	

This should be placed in each application or patent involved in interference in addition to the interference letters.



## UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES BOX INTERFERENCE, WASHINGTON, D.C. 20231

> Filed by: Judge James T. Moore Telephone: 571-272-9797 Facsimile: 571-273-0042

Applicant: OH

Application No.: 09/294,073

Filed: 04/19/99

For: Endodontic gutta-percha point with working

length marks

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,335.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/s/ JAMES T. MOORE Administrative Patent Judge